

July 15, 2011

AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
July 15, 2011

I. OPENING OF MEETING AT 11:00 A.M. AT 160 N. LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD ON JUNE 17, 2011

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 17, 2011?**

July 15, 2011

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

**A. Report on Exempt Positions from Central Management Services**

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging .....	144 .....	10
Agriculture.....	421 .....	17
Arts Council.....	19 .....	2
Capitol Development Board .....	46 .....	0
Central Management Services .....	1,381 .....	112
Children and Family Services.....	2,899 .....	49
Civil Service Commission .....	4 .....	0
Commerce & Economic Opportunity .....	419 .....	66
Commerce Commission.....	79 .....	0
Corrections.....	11,879 .....	103
Criminal Justice Authority.....	62 .....	5
Deaf and Hard of Hearing Comm.....	8 .....	1
Developmental Disabilities Council .....	9 .....	1
Emergency Management Agency .....	88 .....	7
Employment Security .....	1,884 .....	29
Environmental Protection Agency.....	882 .....	16
Financial & Professional Regulation .....	468 .....	41
Gaming Board.....	108 .....	5
Guardianship and Advocacy .....	104 .....	7
Healthcare and Family Services.....	2,256 .....	25
Historic Preservation Agency .....	183 .....	9
Human Rights Commission .....	14 .....	2
Human Rights Department .....	146 .....	8
Human Services.....	13,640 .....	77
Illinois Torture Inquiry Relief Commission.....	2 .....	1
Insurance.....	252 .....	12
Investment Board.....	3 .....	1
Juvenile Justice .....	1,274 .....	20
Labor.....	79 .....	7
Labor Relations Board Educational .....	12 .....	2
Labor Relations Board State .....	16 .....	2
Law Enforcement Training & Standards Bd.....	18 .....	2
Medical District Commission .....	2 .....	0
Military Affairs.....	121 .....	3
Natural Resources .....	1,214 .....	26
Pollution Control Board.....	21 .....	1
Prisoner Review Board.....	19 .....	0
Property Tax Appeal Board .....	28 .....	1
Public Health .....	1,083 .....	40
Racing Board .....	2 .....	0
Revenue .....	2,041 .....	57
State Fire Marshal.....	137 .....	12
State Police .....	1,268 .....	4
State Police Merit Board.....	5 .....	1
State Retirement Systems .....	85 .....	2
Transportation.....	2,356 .....	0
Veterans' Affairs .....	1,282 .....	8
Workers' Compensation Commission .....	173 .....	8
TOTALS.....	48,636 .....	802

**B. Governing Rule – Section 1.142 Jurisdiction B Exemptions**

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
  - 1) The amount and scope of principal policy making authority;
  - 2) The amount and scope of principal policy administering authority;
  - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
  - 4) The capability to bind the agency, board or commission to a course of action;
  - 5) The nature of the program for which the position has principal policy responsibility;
  - 6) The placement of the position on the organizational chart of the agency, board or commission;
  - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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**C. Illinois Department of Agriculture – Proposed Exemption**

Position Number	40070-11-03-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Executive Staff
Functional Title	Bureau Chief, Bureau of Marketing, Promotion, and Grants
Incumbent	Vacant
Supervisor	Chief of Staff, who reports to the Director
Location	Sangamon County

**CMS Recommendation:** “This position meets the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**D1. Illinois Historic Preservation Agency – Proposed Exemption<sup>1</sup>**

Position Number	40070-48-00-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Deputy Director
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

**D2. Illinois Historic Preservation Agency – Proposed Exemption<sup>2</sup>**

Position Number	40070-48-54-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Division Manager of the Abraham Lincoln Presidential Library and Museum (APLM) Guest Services Division
Incumbent	Vacant
Supervisor	Deputy Director, who reports to the Director
Location	Sangamon County

**CMS Recommendation:** “These positions meet the reporting criteria of the Commission Rules and considering the similarities of these requested positions with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

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<sup>1</sup> This position’s exemption was rescinded due to extended vacancy on November 20, 2009.

<sup>2</sup> This position’s exemption was rescinded due to extended vacancy on May 21, 2010.

**E. Illinois Department of Labor – Proposed Exemption**

Position Number	37015-15-10-200-00-01
Position Title	Public Service Administrator
Bureau/Division	Administration
Functional Title	Human Resource/Labor Relations Director
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering the similarity of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**F. Illinois Department of Natural Resources – Proposed Exemption**

Position Number	40070-12-50-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Performance Management
Functional Title	Director, Office of Performance Management
Incumbent	Vacant
Supervisor	Director
Location	Cook County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering the similarity of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**G1. Illinois Department of Revenue – Proposed Exemption**

Position Number	40070-25-48-120-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Collections/Springfield Collection Enforcement Division
Functional Title	Springfield Collection Enforcement Director
Incumbent	Steven Hayes
Supervisor	Manager, Collections Bureau who reports to the Director
Location	Sangamon County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering the similarity of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**G2. Illinois Department of Revenue – Proposed Exemption**

Position Number	40070-25-48-210-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Chicago Collection Services Division
Functional Title	Chicago Collection Services Director
Incumbent	Cynthia K. Anderson
Supervisor	Manager, Collections Bureau who reports to the Director
Location	Cook County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering the similarity of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**G3. Illinois Department of Revenue – Proposed Exemption**

Position Number	40070-25-48-220-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Field Compliance Division
Functional Title	Field Compliance Director
Incumbent	William W. Smith
Supervisor	Manager, Collections Bureau who reports to the Director
Location	Rockford

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering the similarity of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**H. Illinois State Police – Proposed Exemption**

Position Number	40070-21-00-110-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Chief, Public Information Office
Incumbent	Vacant
Supervisor	Director
Location	Cook County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering the similarity of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

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**WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?**

- C: Bureau Chief, Bureau of Marketing, Promotion, and Grants (Agriculture)**
- D1: Deputy Director (Illinois Historic Preservation Agency)**
- D2: Division Manager, Abraham Lincoln Presidential Library and Museum, Guest Services Division (Illinois Historic Preservation Agency)**
- E: Human Resource/Labor Relations Director (Illinois Dept. of Labor)**
- F: Director, Office of Performance Management (Natural Resources)**
- G1: Springfield Collection Enforcement Director (Revenue)**
- G2: Chicago Collection Services Director (Revenue)**
- G3: Field Compliance Director (Revenue)**
- H: Chief, Public Information Office (Illinois State Police)**

**V. CLASS SPECIFICATIONS**

- None submitted.

**WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?**

**VI. MOTION TO GO INTO EXECUTIVE SESSION**

**PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?**

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VII. RECONVENE MEETING

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

Agency	5/31/11	6/30/11	6/30/10
Aging	0	1	0
Central Management Services	1	1	0
Children and Family Services	2	0	5
Employment Security	12	21	5
Healthcare and Family Services	4	5	1
Human Services	2	13	2
Natural Resources	5	5	0
Property Tax Appeal Board	6	6	4
Revenue	0	0	1
State Fire Marshal	0	1	0
State Retirement Systems	0	0	1
Transportation	0	1	1
Veterans' Affairs	1	2	0
<b>Totals</b>	33	56	20

IX. INTERLOCUTORY APPEAL

**DA-39-11**

Employee	Thomas K. Adame	Appeal Date	2/16/11
Agency	Revenue	Decision Date	7/01/11
Type	Discharge	ALJ	Daniel Stralka
Issue(s)	Motion to Dismiss (employee terminated during probationary period so was not certified; no jurisdiction)	Proposal for Decision	Grant Motion to Dismiss.

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

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X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

**DA-34-11**

Employee	Sam Spiratos	Appeal Date	1/04/11
Agency	Agriculture	Decision Date	6/30/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Insubordination and failure to follow instructions; failure or refusal to perform duties; conduct unbecoming; unauthorized use of computer	Proposal for Decision	Charges are proven and warrant discharge.

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

**DA-47-11**

Employee	Dwayne B. Ross	Appeal Date	4/28/11
Agency	Corrections	Decision Date	7/01/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Not alert to his duties of security of an inmate	Proposal for Decision	Charges are proven and warrant discharge.

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

XI. REVIEW OF EXECUTIVE SESSION MINUTES PURSUANT TO OPEN MEETINGS ACT

**AFTER REVIEW OF THE EXECUTIVE SESSION MINUTES PURSUANT TO THE OPEN MEETINGS ACT, WILL THE COMMISSION AGREE THAT THE NEED FOR CONFIDENTIALITY STILL EXISTS?**

XII. APPROVAL OF THE DESTRUCTION OF THE AUDIO VERBATIM RECORDINGS OF CLOSED SESSIONS PRIOR TO JULY 2009 IN ACCORDANCE WITH THE OPEN MEETINGS ACT

**WILL THE COMMISSION APPROVE THE DESTRUCTION OF THE AUDIO VERBATIM RECORDINGS OF CLOSED SESSIONS PRIOR TO JULY 2009 IN ACCORDANCE WITH THE OPEN MEETINGS ACT?**

XIII. STAFF REPORT

July 15, 2011

XIV. ANNOUNCEMENT OF NEXT MEETING

**The next regular meeting is to be held on Friday, August 19, 2011 at 11:00 a.m. in the Commission's Chicago office.**

XV. MOTION TO ADJOURN